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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/556,065

11/08/2005

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125721

6045

25944 7590 03/18/2009  
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EXAMINER

USELDING, JOHN E

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

03/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Amendment***

The amendments were not entered because the amendment to claim 10 provides a new limitation that was not present in the previous claims. It is now claimed that an additive is “a cement dispersant for ultrahigh performance concrete”. In previous claim versions it only had to be a cement dispersant.

### ***Response to Arguments***

Applicant's arguments filed 3/9/2009 have been fully considered but they are not persuasive.

The applicant has argued that Yuasa does not teach ultrahigh performance concrete. As stated in the previous office action and admitted by the applicant (page 7 of Remarks) Yuasa does teach an ultrahigh strength concrete composition. The applicant has also admitted that ultrahigh strength concrete is the same as ultrahigh performance concrete (page 6 of Remarks).

The applicant has argued unexpected results. This is not persuasive because the applicant has provided data using specific compounds and in specific amounts. The claims, however, are much broader than the data supports. The claims are not commensurate in scope with the data provided.

### ***Contact Information***

Art Unit: 1796

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN USELDING whose telephone number is (571)270-5463. The examiner can normally be reached on Monday-Thursday 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John Uselding  
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Art Unit 1796

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